




VERIFICATION OF PUBLICATION

COMMONWEALTH OF VIRGINIA
COUNTY OF FAIRFAX

Being duly sworn, Vanessa Salvo says that she is the principal clerk of USA TODAY, and is duly authorized by USA TODAY to make this affidavit, and is fully acquainted with the facts stated herein: on Friday, May 15, 2020, the following legal advertisement – The Aldo Group Inc.– was published in the national edition of USA TODAY.


Principal Clerk of USA TODAY
May 19, 2020



Some in Wisconsin went to sit-down restaurants Thursday after a state Supreme Court ruling lifted most of the restrictions of a stay-home order.

MIKE DE SISTI/USA TODAY NETWORK

Wisconsin

Continued from Page 1A

in states exploring how to balance public health orders against individual rights.

“We’ve never seen restrictions imposed by a state for public health reasons as draconian as the ones we’re seeing now,” said Goitein, a former Justice Department lawyer and Senate counsel. “But there’s a reason for that. For many, many decades, we haven’t seen a public health threat as significant as what we’re seeing now.

“There’s always a balancing between public health and safety on the one hand, and individual liberties on the other hand.”

Activists have rallied against restrictions in states such as Michigan, Virginia and Texas.

Trump, who has encouraged protests, has made his call for a faster reopening central to his election-year campaign message.

Experts said the decision highlights the balance that officials face between public health and individual rights while grappling with how and when to reopen.

Until scientists develop a vaccine or better treatment, public health officials have said staying home, keeping at least 6 feet apart in public and avoiding large gatherings are the best ways to prevent the spread of disease. At least 42 states adopted stay-at-home orders, according to a report by the Congressional Research Service.

Traditionally, police powers such as protecting public health and safety take priority over individual rights when the government can demonstrate a compelling reason for restrictions, experts said.

A New Hampshire court on March 25 denied an emergency motion to overturn a ban on gatherings of more than 50 people. The Pennsylvania Supreme Court refused April 13 to overturn restrictions from Gov. Tom Wolf in a case from four businesses and an individual who had argued he didn’t have the authority to close the businesses.

“The claims that people are making that their constitutional rights are being violated are not particularly strong, in my view,” Greenfield said. “That doesn’t mean they aren’t strong as a political or a cultural matter – they are quite strong as a cultural and political matter.”

The Wisconsin case was somewhat unusual because it pitted the Republican Legislature against the Democratic administration in a case decided by an elected Supreme Court. The same four justices who overturned the coronavirus restrictions also prevented Evers from postponing the state’s April 7 primary because of concerns about protecting the health of voters.

“These guys have been at loggerheads for a long time,” said Susan Sullivan Lagon, a senior fellow at Georgetown University’s Government Affairs Institute. “It’s a weird circumstance.”

Courts may continue to have a role in gauging restrictions as protesters are arrested. But legal experts said decisions will eventually become political for governors and legislatures to resolve.

“I think ultimately the question of when and whether states lift the restrictions will probably be more likely decided by politics than the courts,” Goitein said. “There are going to be plenty of states in which courts uphold these restrictions, but there may still be political pressure on governors to lift them.”

Greenfield said most courts would recognize the compelling interest in upholding restrictions. Polls suggest Americans remain concerned about the health threat, even as restrictions begin to ease.

“This is going to be mostly a political battle,” Greenfield said.

Appeals court lets suit over Trump D.C. hotel go forward

Showdown at Supreme Court possible next year

Richard Wolf and Kristine Phillips
USA TODAY

WASHINGTON – A federal court on Thursday revived one of three lawsuits challenging the business dealings of President Donald Trump’s luxury Washington, D.C., hotel with foreign and domestic governments.

The full U.S. Court of Appeals for the 4th Circuit reversed a decision by a three-judge panel and restored a lawsuit filed by the District of Columbia and Maryland that contends government payments for hotel stays constitute unconstitutional gifts to the president.

That could set up a showdown at the Supreme Court next year, because a separate federal appeals court in February dismissed a similar lawsuit filed by members of Congress.

A third challenge remains pending in New York.

All three challenges focus on the Trump Organization’s financial stake in hotels and restaurants, which cater to customers both foreign and domestic with interests before the government Trump heads.

The question: Does that violate the Constitution?

Trump has dismissed the efforts,

based on a provision in the Constitution he called “this phony Emoluments Clause.”

But the 4th Circuit appeals court, based in Richmond, Virginia, ruled 9-6 along ideological lines that the separation of powers does not shield the president from complying with the law. Nine judges originally named to the judiciary by Democratic presidents lined up against six Republican presidents’ nominees.

“In the United States, every person – even the president – has a duty to obey the law,” Judge Diana Gribbon Motz wrote for the majority. “The duty to obey these particular laws – the Constitution’s Emoluments Clauses – flows from the president’s status as head of the executive branch.”

Trump’s three nominees to the court signed on to the vehement dissent, written by Judge J. Harvie Wilkinson. Together, two separate dissents totaled 80 pages, compared with the majority opinion’s 25 pages.

“The majority is using a wholly novel and nakedly political cause of action to pave the path for a litigative assault upon this and future presidents and for an ascendant judicial supervisory role over presidential action,” Wilkinson wrote. “The legal foundations for this lawsuit are non-existent. It is a fanciful construct that invites the courts to create rights and duties from thin air.”

Trump’s private business dealings

Confrontation days before Arbery shot?

911 call and text reported man wandering in area

Russ Bynum and Kate Brumback
ASSOCIATED PRESS

SAVANNAH, Ga. – Days before Ahmaud Arbery was pursued by two white men and fatally shot after being spotted inside a home under construction, neighbors – including one of the suspects – reported an earlier encounter with a person wandering through the open-framed structure.

Owner Larry English found nothing stolen from the site where he’s building a home in the Satilla Shores subdivision where 25-year-old Arbery was slain Feb. 23, English’s attorney said Wednesday. But she said there had been “four or five” instances in which unauthorized people entered the property before Arbery was shot.

“Nothing was ever taken from the English property,” attorney J. Elizabeth Graddy said in a statement Wednesday. She added that “Mr. English is deeply distressed by Mr. Arbery’s death.”

Graddy also shared security camera video from the home site taken Feb. 11, less than two weeks before the shooting, that briefly shows a man walking inside the structure. She said English has been unable to find security video from the prior instances.

Attorneys for Arbery’s family have said a man caught on security video from English’s home immediately before the shooting Feb. 23 was Arbery and the footage shows he committed no crime. It’s unknown whether it’s also Arbery in the newly released video taken 11 days earlier.

Travis McMichael, one of the two men charged in Arbery’s death, called 911 on Feb. 11 to report what he considered to be a suspicious man at the construction site, according to audio obtained by The Atlanta Journal-Constitution.

“I was leaving the neighborhood and I just caught a guy running into a house being built,” McMichael said during the 911 call, according to the newspaper. “When I turned around, he took off running into the house.”

“We’ve been having a lot of burglaries and break-ins around here lately,” McMichael told the operator.

English lives far from where the home is being built just outside the port city of Brunswick, 70 miles south of Savannah. Graddy said the night of Feb. 11 he received an alert when motion inside the construction site triggered a security camera. English sent a text message to a neighbor, Diego Perez, asking him to check on the house.

According to Graddy, the neighbor soon sent English a text: “The police showed up and we all searched for a good while. I think he got spooked and ran after Travis confronted him. Travis says the guy ran into the house. Let me know if he shows up or if they find



Demonstrators gather with signs and masks to protest the shooting death of Ahmaud Arbery. SEAN RAYFORD/GETTY IMAGES

him.”

Travis McMichael lives near the home English is building. He is charged with felony murder and aggravated assault, accused of firing the three shotgun blasts that struck Arbery at close range. His father, former police officer and district attorney’s investigator Gregory McMichael, also has been jailed on the same charges. As of Wednesday afternoon, no attorneys had filed notice with Glynn County Magistrate Court that they were representing the McMichaels.

English declined to comment to the

before he won the presidency already are the subject of a Supreme Court case heard on Tuesday and likely to be decided this summer. After losing six times in federal district and appeals courts, Trump’s lawyers seek to block subpoenas from House committees led by Democrats and the Manhattan district attorney for tax returns and financial records.

The three emoluments cases are based on the theory that when a foreign, federal or state government official stays at a Trump Organization property, the profits are an unconstitutional gift to the president.

Democratic lawmakers and government watchdogs say the most flagrant violations happen when government officials – including some from Saudi Arabia, Kuwait and Malaysia – spend lavishly at the Trump International Hotel a few blocks from the White House. Trump’s real estate company now is considering selling its lease there.

The Justice Department says a violation must involve Trump profiting directly from his employment as president, not from “the proceeds of ordinary commercial transactions between foreign governments and businesses.”

When Trump became president, he turned over day-to-day control of the Trump Organization to his eldest sons, Donald Trump Jr. and Eric Trump. But he did not divest himself from the business, which operates worldwide.

Associated Press when reached by phone Wednesday, instead referring a reporter to his attorney.

Arbery’s mother, Wanda Cooper-Jones, has said her son was merely jogging through the subdivision at the time. He lived with his mother roughly 2 miles from the subdivision where he was shot. More than two months passed before the McMichaels were charged in the case. They were arrested last week soon after the Georgia Bureau of Investigation began looking into the case and cellphone video of Arbery’s killing leaked online, causing a national outcry.

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NOTICES	
LEGAL NOTICE	
<p align="center">IN THE UNITED STATES BANKRUPTCY COURT FOR THE DISTRICT OF DELAWARE</p>	
<p>In re The Aldo Group Inc., et al.¹ Debtors in Foreign Proceedings.</p>	<p>Chapter 15 Case No. 20-11060 (KBO) (Jointly Administered)</p>
<p align="center">NOTICE OF FILING AND HEARING ON PETITIONS UNDER CHAPTER 15 OF THE BANKRUPTCY CODE AND RELATED RELIEF</p>	
<p>PLEASE TAKE NOTICE that on May 7, 2020, The Aldo Group Inc., as Foreign Representative (the “Foreign Representative”) for the above-captioned debtors (collectively, the “Debtors”), commenced proceedings under the Companies’ Creditors Arrangement Act (the “CCA”), in the Superior Court, Commercial Division, in and for the Judicial District of Montreal, Canada (the “CCA Proceedings”), and filed petitions for relief (the “Petitions”) under chapter 15 of the United States Bankruptcy Code. Parties can obtain a copy of documents filed electronically in the chapter 15 cases and the CCA Proceedings and find important dates and deadlines free of charge by visiting https://dm.epiq11.com/aldo (with respect to the chapter 15 cases) and www.ey.com/ca/aldo (for the CCA Proceedings). PLEASE TAKE FURTHER NOTICE that contemporaneously with filing the Petitions, the Foreign Representative filed a verified petition seeking recognition of the CCA Proceedings as foreign main proceedings, or, in the alternative, foreign nonmain proceedings (D.I. 3) (the “Verified Petition”). PLEASE TAKE FURTHER NOTICE that on May 8, 2020, the Bankruptcy Court entered the <i>Order Granting Provisional Relief</i> (D.I. 29), granting provisional, injunctive, and related relief, including, but not limited to, granting recognition and giving effect in the United States to the Initial Order entered in the CCA Proceedings, giving effect to an amended and restated Initial Order (the “Amended Initial Order”) that is anticipated to be entered by the Canadian Court in the CCA Proceedings on May 15, 2020, provided that if the Court determines a hearing is necessary, the Court will schedule a hearing to consider recognition of the revised Amended Initial Order. PLEASE TAKE FURTHER NOTICE that the Bankruptcy Court has scheduled a hearing for 1:30 p.m. on June 5, 2020, to consider approval of the Verified Petition and related relief on a final basis (the “Recognition Hearing”). PLEASE TAKE FURTHER NOTICE that any party in interest wishing to submit a response or objection to the Verified Petition must do so in accordance with the Bankruptcy Code, the Federal Rules of Bankruptcy Procedure, and the Local Rules of Bankruptcy Practice and Procedure of the United States Bankruptcy Court for the District of Delaware, and such response or objection must be in writing and set forth the basis therefor, which response or objection must be filed with the Office of the Clerk of the Bankruptcy Court, 824 North Market Street, 3rd Floor, Wilmington, Delaware 19801, and shall be served upon the following counsel so as to be actually received on or before 4:00 p.m. (prevailing Eastern Time) on May 29, 2020: (a) U.S. counsel for the Foreign Representative: (i) Hogan Lovells US LLP, 390 Madison Ave., New York, New York 10017, Attention: Peter A. Wanicik (peter.wanicik@hoganlovells.com) and Alex M. Sher (alex.sher@hoganlovells.com), and (b) counsel for the National Bank of Canada: (i) Kirkland & Ellis LLP, 300 North LaSalle, Chicago, Illinois 60654, Attention: Chad J. Husnick, P.C. and Michelle Killenney P.C., (ii) Kirkland & Ellis LLP, 601 Lexington Avenue, New York, New York, 10022, Attention: Aparna Venamandla, and (iii) Sileman Elliott LLP, 1155 René-Lévesque Blvd. West, 41st Floor, Montréal (Québec) Canada H3B 3V2, Attention: Howard J. Rosenoff and Guy P. Martel. PLEASE TAKE FURTHER NOTICE that all parties in interest opposed and wishing to object to the Verified Petition must appear at the Recognition Hearing as set forth herein. PLEASE TAKE FURTHER NOTICE that the Recognition Hearing may be adjourned from time to time without further notice other than a notice on the docket in these cases or an announcement in open court of the adjourned date or dates of any adjourned hearing. PLEASE TAKE FURTHER NOTICE that all parties wishing to appear at the Recognition Hearing by telephone must, in accordance with the Instructions for Telephonic Appearances Effective April 5, 2005, revised May 11, 2018, contact CourtCall via telephone (for callers calling from within the United States of America: 866-582-6878; for callers calling from outside of the United States of America: 310-743-1886) or facsimile (for parties sending facsimiles from within the United States of America: 866-533-2946; for parties sending facsimiles from outside of the United States of America: 310-743-1850) by no later than noon (prevailing Eastern Time) one business day prior to the Recognition Hearing to register their telephonic appearance. At the same time, you must notify the counsel listed above of your intent to appear by telephone at the Recognition Hearing. PLEASE TAKE FURTHER NOTICE that, if no response or objection is timely filed and served as provided above, the Bankruptcy Court may grant the relief requested by the Foreign Representative without further notice or hearing.</p>	

¹ The Debtors in these chapter 15 cases and the last four digits of their U.S. Federal Employer Identification Numbers or other unique identifier are as follows: The Aldo Group Inc. (2186); Southwest Capital Holdings Inc. (8248); Aldo U.S. Inc. (6704); Aldo Marketing LLC (1748); Aldo Shoes West Forty Second, LLC (2610); Aldo 1125 Third Ave. Corp. Inc. (2112); Aldo 5th Ave. Inc. (2112); Aldo 250 West 125 Inc. (2124); and 1230 Avenue of the Americas LLC (6704). The Debtors’ principal offices are located at 2300 rue Émile-Bélanger, Montréal, Canada H4R 3J4.